

Drinking & Driving

Missouri's DWI Law

One simple statement says it all -- if you drink and drive in Missouri, you will pay. Missouri is not going to tolerate people being injured or killed by drunk drivers. **"ABUSE AND LOSE! ZERO TOLERANCE!"** This is how Missouri feels about under-age drinking and getting behind the wheel of a motor vehicle after you have been drinking. The law is strict and to the point — **DO NOT DRINK AND DRIVE.**

If a law enforcement officer has reason to suspect the driver of a motor vehicle is driving under the influence of alcohol, field sobriety tests may be administered. Based upon the driver's performance of these tests, the officer will determine whether or not to arrest the driver for Driving While Intoxicated (DWI). The driver will be required to submit to either a breath or blood test to determine Blood Alcohol Concentration (BAC). If the driver is arrested, the following will happen:

- Searched, handcuffed, taken to jail, photographed, fingerprinted, and bonded.
- Immediate suspension of driver's license for 30 days if test results are .10 percent or more; must give license to arresting officer.
- If convicted of DWI, eight points will be assessed against your license.
- License will be revoked for one year if you have accumulated a total of:
 - 12 points in 12-month period.
 - 18 points in 24-month period.
 - 24 points in 36-month period.
- 12 points are assessed for a second and subsequent conviction of an alcohol-related offense.
- Any level of impairment may result in charges of DWI. BAC level of .10 percent or above, however, is prima facie evidence of intoxication under Missouri law.

- A refusal to take a test will automatically result in your license being revoked for one year.

In 2005, a new law addressing the enhancement section for DWI-related crimes was altered with the addition of two new enhancement categories:

- An 'aggravated offender' is: a person who has pleaded guilty to or been found guilty of three or more intoxication-related traffic offenses or a person who has pleaded guilty of or has been found guilty of involuntary manslaughter, murder in the second degree where underlying felony is an intoxication-related offense; assault in the second degree, or assault of a law enforcement officer in the second degree.

An aggravated offender is a class C felon, and must serve a minimum of 60 days in jail before being eligible for probation or parole.

- A 'chronic offender' is:
 - a) a person who has pleaded guilty to or been found guilty of four or more intoxication-related traffic offenses;
 - b) a person who has pleaded guilty to or been found guilty of, on two or more separate occasions, involuntary manslaughter, or assault in the second degree, or assault of a law enforcement officer in the second degree;
 - c) a person who has pleaded guilty to or been found guilty of involuntary manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree, and in addition, two or more intoxication-related offenses.

A chronic offender is a class B felon and must serve two years in prison before being eligible for probation or parole.

Affects of Alcohol When Driving

- **Reaction Time** — Impairment of reaction time occurs at low BAC levels.
- **Judgement** — That's why so many drivers make the wrong decision to drive after drinking. Judgement is the first thing to be affected by alcohol.
- **Tracking** — Weaving from one side of the road to the other; inability to follow the path of the road.
- **Vision** — When drinking, an individual can lose his or her ability to perceive details in an object in motion; loss of control of eye movement.
- **Comprehension** — Perceiving hazards and/or processing information while driving is impaired when alcohol is involved.
- **Coordination** — Motor skills of individuals with alcohol in their blood are lessened.
- **Road Test Performance** — Functions of driving such as steering, braking, speed control, etc., are impaired when under the influence of alcohol.
- **Emergency Response** — While drivers with alcohol in their blood may handle some driving skills, ability to respond to emergency situations is limited.

Financial Burden of DWI Conviction

The cost associated with a DWI conviction can be overwhelming. The following are agencies and people who must be dealt with and require a fee for the service provided:

- ✓ Towing
- ✓ Bondsman
- ✓ Attorney
- ✓ Court (fine & court costs)
- ✓ Substance Abuse Traffic Offender Program (SATOP)
- ✓ Insurance
- ✓ License reinstatement

Average minimum total cost of above services =

\$3,000



Abuse & Lose

- Persons under the age of 21 will lose their driver's license for 90 days (if under age 16, they must wait until they are 17 to receive a driver's license) if found guilty of:
 - Any alcohol-related traffic offense, such as DWI or driving with excessive blood-alcohol content.
 - Possession or use of alcohol while operating a motor vehicle (open container).
 - Possession or use of a controlled substance (illegal drug).
 - Modification, alteration, or misrepresentation of a driver's license.
 - Being a repeat offender of possession or use of alcohol by an individual under the age of 18.



- Individuals convicted of any state law or county or municipal ordinance involving alcohol or substance possession and/or use while driving a motor vehicle, shall have their driver's license suspended for a period of 90 days. Any second or subsequent offense shall result in revocation of driver's license for one year.
- The offender is required to attend a Substance Abuse Traffic Offender Program (SATOP) prior to reinstatement of his or her driver's license. SATOP programs can be viewed on their website:
www.dmh.mo.gov/ada/satop/

Missouri's "Zero Tolerance" Law

It is illegal in Missouri for anyone under the age of 21 to purchase, attempt to purchase, possess, or consume alcoholic beverages. Therefore, Missouri has a "Zero Tolerance" for underage drinkers. Anyone under the age of 21 driving with a BAC of .02 percent or higher will have his/her driver's license suspended for 30 days. Additionally, he or she must:

- Successfully complete a Substance Abuse Traffic Offender Program (SATOP). An offender is required to pay the cost of attending the class plus an additional \$125 fee to the Department of Mental Health.
- Pay a \$45 reinstatement fee to regain one's license.

Purchase Or Possession By A Minor

According to Missouri Revised Statutes Chapter 311:

- Any person under the age of 21 years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly intoxicated, or has a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood is guilty of a misdemeanor.

For purposes of prosecution involving an illegal sale or transfer of intoxicating liquor to a person under 21 years of age, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.

For the Missouri State Highway Patrol
Headquarters nearest you,
consult your local phone directory.

Emergency Assistance
1-800-525-5555 or cellular *55

Road Conditions:
1-800-222-6400
or (573) 526- 8828

Sex Offender Registry
1-888-SOR-MSHP
(1-888-767-6747)

METH Hotline
1-888-823-METH (6384)



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You Drink
You Drink
You Drive
You Drive



You PAY!